

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GERALD WATERS,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	NO. 10-170
	:	
DEP. COMMISH.	:	
RODNEY BRACKENBOROUGH, et al	:	
Defendants	:	

ORDER

AND NOW, this 21st day of March, 2011, upon careful and independent consideration of plaintiff's complaint, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa and the objections to the Report and Recommendation filed by the plaintiff, IT IS HEREBY ORDERED that:

1. Plaintiff's objections to the Report and Recommendation (Document No. 22) are OVERRULED;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. Plaintiff's complaint is dismissed with prejudice;
4. Plaintiff's motion for summary motion for summary judgment (Document No. 16) is **DENIED as moot**.
5. There is no probable cause to issue a certificate of appealability.
6. The Clerk of Court is directed to mark this case closed.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.